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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,997

11/21/2003

Lynn Noble

34017R008

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441 7590 12/27/2006  
SMITH, GAMBRELL & RUSSELL  
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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT

PAPER NUMBER

1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/27/2006

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/717,997

Applicant(s)

NOBLE, LYNN

Examiner

Yewebdar T. Tadesse

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 32-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-31 and 41 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 08/04, 11/04 & 12/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of group I in the reply filed on 10/10/2006 is acknowledged. It is noted applicant has submitted amendment to independent claims 24 and 32 to rejoin the inventions. However the method group is considered to be distinct from the other group/s for the same reason described in the Election/Restrictions mailed on 09/07/2006. Per amendment to claims 24-31, group I and II are combined. Claims 1-31 and 41 are examined (see below).

Claims 32-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/10/2006.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 24-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 recites the limitation "said first support structure" in the claim. There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination 'said first frame structure' is assumed (see claim 1).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-16, 18-29 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavronsky et al (US 5,335,483) or Sperry (US 5,727,370) in view of Takamatsu (US 2003/0047860).

As to claims 1-13, 18-24, 28-29 and 41, Gavronsky et al discloses (see Figs 1, 3, 7) a foam-in bag dispensing system comprising a dispenser with chemical output port (nozzle 72, see Fig 7); a film feed assembly (45 and others) which feeds film (46) to the which feeds film to the dispenser for receiving chemical output from the dispenser, the film feed assembly including a film drive roller set which comprises a first roller (50) and a second roller (47) rotating on non-coincident axes (52, 53), and a support structure which supports the film drive roller set, the support structure including a first frame structure and a second frame structure with the first frame structure supporting the first

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roller (see Fig 1), drive motor (51). Alternatively, Sperry discloses a foam-in bag dispensing system comprising a dispenser with chemical output port (86, see Fig 9); a film feed assembly (84 and others) which feeds film (82) to the which feeds film to the dispenser for receiving chemical output from the dispenser, the film feed assembly including a film drive roller set which comprises a first roller (92) and a second roller (93) rotating on non-coincident axes (see Fig 4), and a support structure which supports the film drive roller set, the support structure including a first frame structure and a second frame structure with the first frame structure supporting the first roller (see Fig 3) and a drive motor (96). Gavronsky et al or Sperry lacks teaching adjustable roller moving relative to the frame structure, adjustable frame structures between a drive mode and an access mode, bearing support, latch mechanisms, movement limiting means and the claimed modes of operations including the rollers are free of contact and movement of the first roller away from the second roller. In film feeding devices it is well known and conventional to adjustably move rollers away from each other, adjustably move and latch frame structures in different modes of operation and movement limiting springs for frame structure; such as shown by Takamatsu (see Figs 4-5 and 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include adjustable rollers and frame structures relatively moving in different modes of operation and latching mechanism as claimed in Gavronsky et al or Sperry to easily access parts of the dispensing system for maintenance purposes.

As to claim 14-16, 25-27 and 31, Gavronsky et al discloses (see Figs 4 and 13) a bar (57) including a heater wire extension surface, a heater wire (56) extending along

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the heater wire extension surface and providing a bag formation end sealer and the heater wire including opposite connector pins or heating jaws (70) which are releasably received by connector pin holder supported by connector pin reception holder (67) supported by the intermediate bar (57) or moving between seal position and a retracted position. Sperry also discloses (see Figs 4 and 13) a bar (168) including a heater wire extension surface, a heater wire (160) extending along the heater wire extension surface and providing a bag formation end sealer and the heater wire including opposite connect pins (springs).

***Allowable Subject Matter***

7. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 30-31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter: Sperry et al (US 6,234,777) discloses a pair of seal wires extending parallel to the heated wire or a first heater wire cuts and seals and a second wire just cuts (serration edge cutting wire between the heat seal wires, see column 11, lines 33-44). However, in Sperry et al '777 the device has vertical side edge seal (vertically extending

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wires). In Gavronsky (see Fig 3) the heater wire (56) extends horizontally along the heater wire extension surface (57). Sperry'370 also discloses a horizontally extending heater wire (see Fig 13). As to claim 17, prior art of record does not disclose or suggest a foam-in- bag dispensing system comprising, among others, a heater wire extension surface, a pair of seal wires extending parallel to the heater wire, wherein the heater wire provides film cutting means and is positioned between the seal wires. As to claims 30-31, prior art of record does not disclose or suggest a foam-in- bag dispensing system comprising, among others, the film seal means further including a second heater wire extending in a common direction with the first heater and the second heater is used in the film seal means for non-cut sealing of film.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
YTT